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PATENT
Docket No. 57418US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): ARSENAULT et al. |) | Group Art Unit: 3754 |
| |) | |
| Serial No.: 10/072,512 |) | Examiner: Frederick C. Nicolas |
| Confirmation No.: 2889 |) | |
| |) | |
| Filed: 7 February 2002 |) | |
| |) | |
| For: <u>DOSING DEVICE</u> |) | |

RESPONSE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action mailed 11 May 2006 has been received and reviewed. No claims have been canceled, added, or amended. Therefore, claims 2, 4-13, and 16-24 remain pending. Reconsideration and withdrawal of the rejections are respectfully requested as discussed below.

Allowable Claims

Applicants note that claims 16-24 are indicated as allowable.

Objected Claims

Claim 8 was objected to as being dependent upon rejected base claim 2. However, at this time, claim 8 has not been modified because it is believed that claim 2 is allowable as discussed herein.

The 35 U.S.C. §102 Rejection

Claims 2, 4-7, and 12-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Sonntag (U.S. Patent No. 4,974,755). This rejection is respectfully traversed.

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For a claim to be anticipated under 35 U.S.C. § 102(b), each and every element of the claim must be found in a single prior art reference (M.P.E.P. §2131). Applicants respectfully submit that Sonntag fails to teach each and every element of claims 2, 4-7, and 12-13.

As recited in claim 2, the dosing device includes, among other things, a shuttle that moves within the dosing chamber between first, second, and third positions. When the shuttle is in the first position, liquid can flow between the main chamber and the dosing chamber. When the shuttle is in the second position, the dosing chamber is sealed from the main chamber and the fluid exits the dosing chamber (in which the shuttle is located).

In contrast, the valve element 100 ("shuttle") of Sonntag is positioned and moves in a valve passageway 76 that is outside of and does not form a portion of the metering cylinder 16 ("dosing chamber"). *See, e.g., Sonntag*, col. 6, line 6 to col. 7, line 20. The valve element 100 only moves through the valve passageway 76 -- not through the metering cylinder 16 ("dosing chamber"). *See Sonntag*, col. 6, line 6 to col. 7, line 20, Figures 4a-4f. Because the material in the valve passageway does not form a part of a "dose" of the material delivered when actuated, it cannot form a portion of the "dosing chamber" in the Sonntag system.

Claim 2 recites that the shuttle moves within the dosing chamber which is sized to hold one dose of the liquid. When the shuttle is in the second position, the liquid exits the dosing chamber (in which the shuttle is located) to deliver a dose of the liquid. In Sonntag, however, the valve element 100 ("shuttle") is not located in the "dosing chamber" in the release position or any other position because the valve element 100 is located in the valve passageway 76 -- not the metering cylinder 16 ("dosing chamber"). *See Figures 4a-4f.*

As a result, the shuttle of Sonntag does not move within the dosing chamber of Sonntag as recited in claim 2.

For at least the above reasons, Applicants submit that claim 2 is not anticipated by Sonntag. Furthermore, because claims 4-7 and 12-13 are directly or ultimately dependent on claim 2, claims 4-7 and 12-13 are also novel in view of Sonntag.

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Reconsideration and withdrawal of the anticipation rejection of claims 2, 4-7, and 12-13 over Sonntag are respectfully requested.

The 35 U.S.C. §103 Rejection

Claims 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sonntag (U.S. Patent No. 4,974,755) in view of Sedam (U.S. Patent No. 4,703,870).

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sonntag (U.S. Patent No. 4,974,755) in view of Byrd et al. (U.S. Patent No. 3,865,281).

Applicants respectfully traverse these rejections.

To support a *prima facie* case of obviousness, the Examiner must establish that there is a motivation to combine the cited documents (or modify the teachings of a document) to achieve the claimed invention, with a reasonable expectation of success. Further, the references must teach or suggest every element of the claimed invention. For at least the reasons set forth below, it is respectfully submitted that the Examiner has failed to make the requisite showing of a *prima facie* case of obviousness.

As noted above, Sonntag does not teach all of the elements of claim 2. Applicants submit that Sonntag also does not suggest all of the elements of claim 2. Furthermore, the secondary references cited in support of the obviousness rejections of claims 9-11 do not address the shortcomings of Sonntag. Applicants also respectfully submit that no motivation or suggestion to modify Sonntag in view of either reference to meet the limitations of the claims rejected under §103 has been presented (as would be required for a case of *prima facie* obviousness).

As a result, reconsideration and withdrawal of the obviousness rejections of claims 9-11 are respectfully requested.

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Summary

It is respectfully submitted that pending claims 2, 4-13, and 16-24 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

11 OCT. 2006

Date

By: 

Kevin W. Raasch

Reg. No. 35,651

Direct Dial (612) 305-1218

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11th day of October, 2006, at 12:20 p.m. (Central Time).

By: Name: Rachel Gaylin